

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1609 - HB 1795

March 26, 2009

SUMMARY OF BILL: Expands the circumstances in which a party may use deadly force in self defense or in defense of a third party. Creates immunity from criminal prosecution or civil liability in such circumstances. Defines protected zone to be a person's home or residence and any other place where a person or the person's immediate family resides, temporary or permanent, mobile or immobile, including houses, apartments, motel rooms, recreational vehicles, boats, stand-alone garages, and any surrounding cartilage.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures - \$182,700/Incarceration

Assumptions:

- According to the Department of Correction, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class C felony is 3.59 years. The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days).
- Decrease of one Class C felony conviction for voluntary manslaughter every three years with 3.59 years time served (1,311.48 days). The annualized time serve per conviction is 432.79 days (0.33 annual number of convictions x 1,311.48 days). The annualized cost saving per conviction is \$25,880.84 (\$59.80 x 432.79 days).
- Decrease of two Class C felony convictions for aggravated assault every year with 3.59 years time served. The cost saving per conviction is \$78,426.50. The total additional operating savings for two offenders is \$156,853 (\$78,426.50 x 2).
- The total operational savings would be \$182,733.84 (\$25,880.84 + \$156,853).

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc